

STAT

94TH CONGRESS  
1ST SESSION**S. 1****IN THE SENATE OF THE UNITED STATES**

JANUARY 15, 1975

Mr. McCLELLAN (for himself and Mr. HRUSKA, Mr. BAYH, Mr. EASTLAND, Mr. FONG, Mr. GRIFFIN, Mr. MANSFIELD, Mr. MOSS, Mr. SCOTT of Pennsylvania, Mr. TAFT, and Mr. TOWER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

**A BILL**

To codify, revise, and reform title 18 of the United States Code; to make appropriate amendments to the Federal Rules of Criminal Procedure; to make conforming amendments to criminal provisions of other titles of the United States Code; and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the*  
2 *United States of America in Congress assembled, That this Act may*  
3 *be cited as the "Criminal Justice Reform Act of 1975".*

**TABLE OF CONTENTS****FEDERAL CRIMINAL CODE**

PART	Page
I. GENERAL PROVISIONS AND PRINCIPLES.....	31
II. OFFENSES OF GENERAL APPLICABILITY.....	59
III. SENTENCES .....	181
IV. CRIMINAL JUSTICE ADMINISTRATION AND PROCEDURES..	198
V. ANCILLARY CIVIL PROCEEDINGS.....	295

6 **PART I.—GENERAL PROVISIONS AND**  
7 **PRINCIPLES**

CHAPTER	Page
1. GENERAL PROVISIONS.....	31
2. JURISDICTION .....	43
3. CULPABLE STATES OF MIND.....	49
4. COMPLICITY .....	51
5. BARS AND DEFENSES.....	53

**Chapter 1.—GENERAL PROVISIONS**

Subchapter	Page
A. Matters Relating to Purpose and Application.....	31
B. Matters Relating to Construction.....	32

II—O

1	<b>Subchapter A.—Matters Relating to Purpose and Application</b>		
2	Sec.		Page
	101. General Purpose.....		31
	102. General Principle of Criminal Liability.....		31
	103. Application .....		32
	104. Civil Remedies and Powers Unimpaired.....		32
3	<b>Subchapter B.—Matters Relating to Construction</b>		
	Sec.		
	111. General Definitions.....		32
	112. General Principles of Construction.....		43
4	<b>Chapter 2.—JURISDICTION</b>		
	Sec.		
	201. Federal Jurisdiction.....		43
	202. General Jurisdiction of the United States.....		44
	203. Special Jurisdiction of the United States.....		44
	204. Extraterritorial Jurisdiction of the United States.....		46
	205. Federal Jurisdiction Generally Not Preemptive.....		48
5	<b>Chapter 3.—CULPABLE STATES OF MIND</b>		
	Sec.		
	301. State of Mind Generally.....		49
	302. 'Intentional', 'Knowing', 'Reckless', and 'Negligent' States of Mind.....		49
	303. Proof of State of Mind.....		50
6	<b>Chapter 4.—COMPLICITY</b>		
	Sec.		
	401. Liability of an Accomplice.....		51
	402. Liability of an Organization for Conduct of an Agent.....		52
	403. Liability of an Agent for Conduct of an Organization.....		52
	404. General Provisions for Chapter 4.....		53
7	<b>Chapter 5.—BARS AND DEFENSES</b>		
	Subchapter		
	A. General Provisions.....		53
	B. Bars to Prosecution.....		53
	C. Defenses Based on Lack of Culpability.....		55
	D. Defenses Based on Lack of Volition.....		56
	E. Defenses Based on Justifiable Conduct.....		57
	F. Defenses Based on Official Action.....		58
8	<b>Subchapter A.—General Provisions</b>		
	Sec.		
	501. Application and Scope of Bars and Defenses.....		53
9	<b>Subchapter B.—Bars to Prosecution</b>		
	Sec.		
	511. Time Limitations.....		53
	512. Immaturity .....		56
10	<b>Subchapter C.—Defenses Based on Lack of Capability</b>		
11	Sec.		
	521. Mistake of Fact or Law.....		55
	522. Insanity .....		55
	523. Intoxication .....		56
12	<b>Subchapter D.—Defenses Based on Lack of Volition</b>		
	Sec.		
	531. Duress .....		56
13	<b>Subchapter E.—Defenses Based on Justifiable Conduct</b>		
14	Sec.		
	541. Exercise of Public Authority.....		57
	542. Protection of Persons.....		57
	543. Protection of Property.....		58
	544. General Provisions for Subchapter E.....		58

1           “(B) to obstruct the proper determination of the existence  
2           or nature of such an obligation  
3           he engages in conduct constituting an offense under section  
4           1343(a)(1) (Making a False Statement).

5           “(b) GRADING.—An offense described in this section is:

6           “(1) a Class A misdemeanor under the circumstances set forth  
7           in subsection (a)(1)(A) if it occurs exclusively during a period  
8           in which only previously deferred registrants are subject to in-  
9           duction;

10           “(2) a Class D felony in any other case.

11           **“§ 1116. Obstructing Military Recruitment or Induction**

12           “(a) OFFENSE.—A person is guilty of an offense if, in time of war  
13           and with intent to hinder, interfere with, or obstruct the recruitment,  
14           conscription, or induction of a person into the armed forces of the  
15           United States, he:

16           “(1) creates a physical interference or obstacle to the recruit-  
17           ment, conscription, or induction;

18           “(2) uses force, threat, intimidation, or deception against a  
19           public servant of a government agency engaged in the recruit-  
20           ment, conscription, or induction; or

21           “(3) incites others to engage in conduct constituting an offense  
22           under section 1115 (Evading Military or Alternative Civilian  
23           Service).

24           “(b) GRADING.—An offense described in this section is a Class D  
25           felony.

26           **“§ 1117. Inciting or Aiding Mutiny, Insubordination, or Desertion**

27           “(a) OFFENSE.—A person is guilty of an offense if:

28           “(1) with intent to bring about mutiny, insubordination, re-  
29           fusal of duty, or desertion by members of the armed forces of the  
30           United States, he incites such members to engage in mutiny, insub-  
31           ordination, refusal of duty, or desertion;

32           “(2) he aids or abets the commission or attempted commission  
33           of mutiny or desertion by a member of the armed forces of the  
34           United States; or

35           “(3) he interferes with, hinders, delays, or prevents the dis-  
36           covery, apprehension, prosecution, conviction, or punishment of  
37           a member of the armed forces of the United States, knowing  
38           that such member has deserted, or is charged with or being sought  
39           for desertion, by engaging in any conduct described in subpara-

1 graphs (A) through (D) of section 1311(a) (1) (Hindering Law  
2 Enforcement).

3 "(b) GRADING.—An offense described in this section is:

4 "(1) a Class C felony in the circumstances set forth in sub-  
5 section (a) (1) if:

6 "(A) the offense is committed in time of war; or

7 "(B) the persons incited are engaged, or about to be en-  
8 gaged, in combat;

9 "(2) a Class D felony:

10 "(A) in the circumstances set forth in subsection (a) (1) in  
11 any case other than that described in paragraph (1); or

12 "(B) in the circumstances set forth in subsection (a) (2);

13 "(3) a Class E felony in the circumstances set forth in subsec-  
14 tion (a) (3).

15 **"§ 1118. Aiding Escape of a Prisoner of War or an Enemy Alien**

16 "(a) OFFENSE.—A person is guilty of an offense if he:

17 "(1) aids or abets the escape or attempted escape of a person  
18 being held in the custody of the United States or an associate  
19 nation as a prisoner of war or as an enemy alien; or

20 "(2) interferes with, hinders, delays, or prevents the discovery  
21 or apprehension of:

22 "(A) a prisoner of war or an enemy alien, knowing that  
23 such prisoner or alien has escaped from the custody of the  
24 United States or an associate nation; or

25 "(B) an enemy alien, knowing that such alien is being  
26 sought for detention by the United States or an associate  
27 nation;

28 by engaging in any conduct described in subparagraphs (A)  
29 through (D) of section 1311(a) (1) (Hindering Law Enforce-  
30 ment).

31 "(b) GRADING.—An offense described in this section is a Class D  
32 felony.

33 **"Subchapter C.—Espionage and Related Offenses**

"Sec.

"1121. Espionage.

"1122. Disclosing National Defense Information.

"1123. Mishandling National Defense Information.

"1124. Disclosing Classified Information.

"1125. Unlawfully Obtaining Classified Information.

"1126. Failing to Register as a Person Trained in a Foreign Espionage System.

"1127. Failing to Register as, or Acting as, a Foreign Agent.

"1128. Definitions for Subchapter C.

1   **"§ 1121. Espionage**

2    "(a) OFFENSE.—A person is guilty of an offense, if, knowing that  
3    national defense information may be used to the prejudice of the safety  
4    or interest of the United States, or to the advantage of a foreign power,  
5    he:

6        "(1) communicates such information to a foreign power;

7        "(2) obtains or collects such information, knowing that it may  
8        be communicated to a foreign power; or

9        "(3) enters a restricted area with intent to obtain or collect such  
10      information, knowing that it may be communicated to a foreign  
11      power.

12   (b) GRADING.—An offense described in this section is:

13        "(1) a Class A felony:

14            "(A) if the offense is committed in time of war or during  
15            a national defense emergency; or

16            "(B) if the information directly concerns nuclear weap-  
17            onry, military space craft or satellites, early warning sys-  
18            tems or other means of defense or retaliation against large  
19            scale attack, war plans, communications intelligence or cryp-  
20            tographic information, or any other major weapons system  
21            or major element of defense strategy;

22        "(2) a Class B felony in any other case.

23   **"§ 1122. Disclosing National Defense Information**

24    "(a) OFFENSE.—A person is guilty of an offense if, knowing that  
25    national defense information may be used to the prejudice of the safety  
26    or interest of the United States, or to the advantage of a foreign  
27    power, he communicates such information to a person who he knows  
28    is not authorized to receive it.

29   (b) GRADING.—An offense described in this section is:

30        "(1) a Class C felony if the offense is committed in time of war  
31        or during a national defense emergency;

32        "(2) a Class D felony in any other case.

33   **"§ 1123. Mishandling National Defense Information**

34    "(a) OFFENSE.—A person is guilty of an offense if:

35        "(1) being in authorized possession or control of national de-  
36        fense information, he:

37            "(A) engages in conduct that causes its loss, destruction,  
38            or theft, or its communication to a person who is not author-  
39            ized to receive it;

1           “(B) fails to report promptly, to the agency authorizing  
2           him to possess or control such information, its loss, destruc-  
3           tion, or theft, or its communication to a person who is not  
4           authorized to receive it; or

5           “(C) intentionally fails to deliver it on demand to a federal  
6           public servant who is authorized to demand it; or

7           “(2) being in unauthorized possession or control of national  
8           defense information, he:

9           “(A) engages in conduct that causes its loss, destruction,  
10          or theft, or its communication to another person who is not  
11          authorized to receive it; or

12          “(B) fails to deliver it promptly to a federal public servant  
13          who is entitled to receive it.

14          “(b) GRADING.—An offense described in this section is a Class D  
15          felony.

16          **“§ 1124. Disclosing Classified Information**

17          “(a) OFFENSE.—A person is guilty of an offense, if, being or hav-  
18          ing been in authorized possession or control of classified information,  
19          or having obtained such information as a result of his being or having  
20          been a federal public servant, he communicates such information to a  
21          person who is not authorized to receive it.

22          “(b) EXCEPTIONS TO LIABILITY AS AN ACCOMPLICE, CONSPIRATOR, OR  
23          SOLICITOR.—A person who is not authorized to receive classified infor-  
24          mation is not subject to prosecution as an accomplice to an offense un-  
25          der this section, and is not subject to prosecution for conspiracy to  
26          commit or for solicitation to commit an offense under this section.

27          “(c) BAR TO PROSECUTION.—A prosecution under this section is  
28          barred unless:

29               “(1) at the time of the offense there existed, pursuant to a stat-  
30               ute or an executive order, or a regulation or rule issued pursuant  
31               thereto:

32                   “(A) a government agency responsible for insuring that  
33                   other government agencies classify and maintain as classi-  
34                   fied only such information as is lawfully subject to classifica-  
35                   tion; and

36                   “(B) a review procedure through which the defendant  
37                   could obtain review, by the government agency described in  
38                   subparagraph (A), of the lawfulness of the classification of  
39                   the information; and

40               “(2) prior to the return of the indictment or the filing of the  
41               information, the head of the government agency classifying the

1 information, the head of the government agency described in sub-  
 2 paragraph (A) of paragraph (1), and the Attorney General  
 3 jointly certify to the court that the information was lawfully  
 4 subject to classification at the time of the offense.

5 “(d) AFFIRMATIVE DEFENSES.—It is an affirmative defense to a pros-  
 6 ecution under this section that:

7 “(1) the information was communicated only to a regularly  
 8 constituted subcommittee, committee, or joint committee of Con-  
 9 gress, pursuant to lawful demand; or

10 “(2) the defendant had attempted to obtain the declassification  
 11 of the information and had exhausted all administrative remedies  
 12 arising out of the review procedure described in subsection (c) (1),  
 13 and the information:

14 “(A) was not communicated to an agent of a foreign power;

15 “(B) was not communicated in exchange for anything of  
 16 of value; and

17 “(C) was not lawfully subject to classification at the time  
 18 of the offense.

19 “(e) DEFENSE PRECLUDED.—It is not a defense to a prosecution under  
 20 this section, except as provided in subsection (d) (2), that the infor-  
 21 mation was not lawfully subject to classification at the time of the  
 22 offense.

23 “(f) GRADING.—An offense described in this section is:

24 “(1) a Class D felony if the person to whom the information  
 25 is communicated is an agent of a foreign power;

26 “(2) a Class E felony in any other case.

## 27 “§ 1125. Unlawfully Obtaining Classified Information

28 “(a) OFFENSE.—A person is guilty of an offense if, being an agent  
 29 of a foreign power, he obtains or collects classified information that,  
 30 in fact, he is not authorized to receive.

31 “(b) DEFENSE PRECLUDED.—It is not a defense to a prosecution under  
 32 this section that the information was not lawfully subject to classifi-  
 33 cation at the time of the offense.

34 “(c) GRADING.—An offense described in this section is a Class D  
 35 felony.

## 36 “§ 1126. Failing to Register as a Person Trained in a Foreign 37 Espionage System

38 “(a) OFFENSE.—A person is guilty of an offense if he:

39 “(1) fails to register with the Attorney General as required  
 40 by section 2 of the Act of August 1, 1956 (50 U.S.C. 851) (relating

1 to registration of persons trained in foreign espionage systems);  
 2 or

3 “(2) violates a regulation or rule issued pursuant to the au-  
 4 thority conferred in section 5 of the Act of August 1, 1956  
 5 (50 U.S.C. 854) (relating to promulgation of regulations and  
 6 rules for registration of persons trained in foreign espionage  
 7 systems).

8 “(b) GRADING.—An offense described in this section is a Class D  
 9 felony.

10 **“§ 1127. Failing to Register as, or Acting as, a Foreign Agent**

11 “(a) OFFENSE.—A person is guilty of an offense if:

12 “(1) being an agent of a foreign principal, he fails to register  
 13 with the Attorney General as required by section 2 of the Foreign  
 14 Agents Registration Act of 1938, as amended (22 U.S.C. 612);

15 “(2) he violates a provision of section 4(a) or 5, or a provision  
 16 of section 7 relating to a violation of section 4(a) or 5, of the  
 17 Foreign Agents Registration Act of 1938, as amended (22 U.S.C.  
 18 614(a), 615, or 617), or a regulation, rule, or order issued pur-  
 19 suant thereto; or

20 “(3) being a federal public servant, he is or acts as an agent  
 21 of a foreign principal required to register under the Foreign  
 22 Agents Registration Act of 1938, as amended (22 U.S.C. 611 et  
 23 seq.), in violation of 5 U.S.C. 9109.

24 “(b) DEFINITIONS.—As used in this section, ‘agent of a foreign prin-  
 25 cipal’ and ‘foreign principal’ have the meanings set forth in section  
 26 1 of the Foreign Agents Registration Act of 1938, as amended (22  
 27 U.S.C. 611).

28 “(c) GRADING.—An offense described in this section is:

29 “(1) a Class D felony in the circumstances set forth in sub-  
 30 section (a) (1) or (a) (2);

31 “(2) a Class E felony in the circumstances set forth in sub-  
 32 section (a) (3).

33 **“§ 1128. Definitions for Subchapter C**

34 As used in this subchapter:

35 “(a) ‘authorized’, when used in relation to the receipt, posses-  
 36 sion, or control of classified information or national defense  
 37 information, means with authority to have access to, to receive,  
 38 to possess, or to control such information as a result of the provi-  
 39 sions of a statute or an executive order, or a regulation or rule  
 40 issued pursuant thereto;



1       “(b) ‘classified information’ means any information, regardless  
2 of its origin, that is marked or designated pursuant to the provi-  
3 sions of a statute or an executive order, or a regulation or rule  
4 issued pursuant thereto, as information requiring a specific degree  
5 of protection against unauthorized disclosure for reasons of  
6 national security;

7       “(c) ‘communications intelligence information’ means informa-  
8 tion:

9           “(1) regarding a procedure or method used by the United  
10 States or a foreign power in the interception of communica-  
11 tions or the obtaining of information from such communica-  
12 tions by other than the intended recipient;

13           “(2) regarding the use, design, construction, maintenance,  
14 or repair of a device or apparatus used, or prepared or planned  
15 for use, by the United States or a foreign power in the inter-  
16 ception of communications or the obtaining of information  
17 from such communications by other than the intended  
18 recipient; or

19           “(3) obtained by use of a procedure or method described  
20 in paragraph (1), or by use of a device or apparatus described  
21 in paragraph (2);

22       “(d) ‘cryptographic information’ means information:

23           “(1) regarding the nature, preparation, use, or interpreta-  
24 tion of a code, cipher, cryptographic system, or other method  
25 of any nature used for the purpose of disguising or con-  
26 cealing the contents or significance or means of communi-  
27 cations of the United States or a foreign power;

28           “(2) regarding the use, design, construction, maintenance,  
29 or repair of a device or apparatus used, or prepared or  
30 planned for use, for cryptographic purposes, by the United  
31 States or a foreign power; or

32           “(3) obtained by interpreting an original communication  
33 by the United States or a foreign power that was in the form  
34 of a code or cipher or that was transmitted by means of a  
35 cryptographic system or other method of any nature used  
36 for the purpose of disguising or concealing the contents or  
37 significance or means of communications of the United  
38 States or a foreign power;

39       “(e) ‘information’ includes any property from which informa-  
40 tion may be obtained;

1       “(f) ‘national defense information’ includes information, other  
2       than information that has previously been made available to the  
3       public pursuant to authority of Congress or by the lawful act of  
4       a public servant, that relates to :

5               “(1) military capability of the United States or of an  
6       associate nation ;

7               “(2) military planning or operations of the United States ;

8               “(3) military communications of the United States ;

9               “(4) military installations of the United States ;

10              “(5) military weaponry, weapons development, or weapons  
11       research of the United States ;

12              “(6) intelligence operations, activities, plans, estimates,  
13       analyses, sources, or methods, of the United States ;

14              “(7) intelligence with regard to a foreign power ;

15              “(8) communications intelligence information or crypto-  
16       graphic information ;

17              “(9) restricted data as defined in section 11 of the Atomic  
18       Energy Act of 1954, as amended (42 U.S.C. 2014) ; or

19              “(10) in time of war, any other matter involving the se-  
20       curity of the United States that might be useful to the enemy ;

21       “(g) ‘restricted area’ means an area of land, water, air, or space  
22       that includes a facility of the United States, or a facility of a  
23       contractor or subcontractor working with or on behalf of the  
24       United States, to which access is restricted pursuant to a statute  
25       or an executive order, or a regulation or rule issued pursuant  
26       thereto, for reasons of national defense.

27       **“Subchapter D.—Miscellaneous National Defense Offenses**

“Sec.

“1131. Atomic Energy Offenses.

28       **“§ 1131. Atomic Energy Offenses**

29       “(a) OFFENSE.—A person is guilty of an offense if he violates any of  
30       the following provisions of the Act of August 1, 1946, as added by sec-  
31       tion 1 of the Atomic Energy Act of 1954, as amended :

32              “(1) section 57 (42 U.S.C. 2077) (relating to unauthorized  
33       dealing in special nuclear material) ;

34              “(2) section 92 (42 U.S.C. 2122) (relating to the manufacture,  
35       transfer, or possession of an atomic weapon) ;

36              “(3) section 101 (42 U.S.C. 2131) (relating to the unlicensed  
37       manufacture, transfer, or possession of a utilization or produc-  
38       tion facility for special nuclear material) ; or

1       “(4) section 108 (42 U.S.C. 2138) (relating to suspension of  
2       licenses and recapture of special nuclear material) by interfering  
3       with a recapture or entry order.

4       “(b) GRADING.—An offense described in this section is:

5       “(1) a Class C felony if the conduct is engaged in with intent  
6       that it operate to the prejudice of the safety or interest of the  
7       United States or to the advantage of a foreign power;

8       “(2) a Class D felony in any other case.

9       **“Chapter 12.—OFFENSES INVOLVING INTERNATIONAL**  
10       **AFFAIRS**

“Subchapter

“A. Offenses Involving Foreign Relations

“B. Offenses Involving Immigration, Naturalization, and Passports

11       **“Subchapter A.—Offenses Involving Foreign Relations**

“Sec.

“1201. Attacking a Foreign Power.

“1202. Conspiracy against a Foreign Power.

“1203. Entering or Recruiting for a Foreign Armed Force.

“1204. Violating Neutrality by Causing Departure of a Vessel or Aircraft.

“1205. Disclosing a Foreign Diplomatic Code or Correspondence.

“1206. Engaging in an Unlawful International Transaction.

12       **“§ 1201. Attacking a Foreign Power**

13       “(a) OFFENSE.—A person is guilty of an offense if he launches or  
14       carries on, from the United States, a military attack or expedition  
15       against a foreign power with which the United States is not at war.

16       “(b) DEFINITION.—As used in this section, ‘military attack or expe-  
17       dition’ against a foreign power means:

18       “(1) any manned or unmanned warlike assault upon:

19               “(A) the territory of such foreign power;

20               “(B) the inhabitants or property in the territory of such  
21       foreign power, or

22               “(C) a vessel or aircraft of such foreign power; or

23       “(2) any organized warlike invasion of the territory of such  
24       foreign power whether launched from or carried on by land, sea,  
25       or air.

26       “(c) GRADING.—An offense described in this section is a Class D  
27       felony.

28       **“§ 1202. Conspiracy against a Foreign Power**

29       “(a) OFFENSE.—A person is guilty of an offense if, within the United  
30       States, he agrees with one or more persons to engage in conduct outside  
31       the United States, the performance of which would involve:

32               “(1) the death of a public servant of a foreign power, with  
33       which the United States is not at war, because of the performance

1 of his official duties or because of his status as a public servant;  
2 or

3 “(2) damage to or destruction of property owned by, or under  
4 the care, custody, or control of, a foreign power, with which the  
5 United States is not at war, or a public facility located within  
6 the jurisdiction of such foreign power;

7 and he or one of such persons in fact engages in any conduct within  
8 the United States with intent to effect any objective of the agreement.

9 “(b) DEFENSES PRECLUDED.—It is not a defense to a prosecution  
10 under this section that one or more of the persons with whom the  
11 defendant is alleged to have conspired has been acquitted, has not  
12 been prosecuted or convicted, has been convicted of a different offense,  
13 was incompetent or irresponsible, or is immune from or otherwise not  
14 subject to prosecution.

15 “(c) GRADING.—An offense described in this section is a Class D  
16 felony.

17 **“§ 1203. Entering or Recruiting for a Foreign Armed Force**

18 “(a) OFFENSE.—A person is guilty of an offense if, within the  
19 United States, he:

20 “(1) contracts to enter the armed forces of a foreign power; or

21 “(2) induces another person to contract to enter the armed  
22 forces of a foreign power.

23 “(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a  
24 prosecution under this section that:

25 “(1) the foreign power was an associate nation and the person  
26 who contracted to enter its armed forces was not a citizen of the  
27 United States; or

28 “(2) the foreign power was not then at war with the United  
29 States and the person who contracted to enter its armed forces  
30 was a citizen of the foreign power, and, in the case of a prosecu-  
31 tion under subsection (a) (2), the person who induced the other  
32 person to contract to enter its armed forces was also a citizen  
33 of the foreign power.

34 “(c) GRADING.—An offense described in this section is a Class E  
35 felony.

36 **“§ 1204. Violating Neutrality by Causing Departure of a Vessel**  
37 **or Aircraft**

38 “(a) OFFENSE.—A person is guilty of an offense if, during a war in  
39 regard to which the United States is a neutral nation, he engages in

1 conduct that causes the departure from the United States of a vessel  
2 or aircraft:

3 ship or warplane, with knowledge that it may be used in the  
4 service of a belligerent foreign power;

5 "(2) that is the subject of a detention order issued pursuant to  
6 a federal statute designed to restrict or control the delivery of  
7 vessels, aircraft, goods, or services to belligerent foreign powers,  
8 or a regulation or rule issued pursuant thereto; or

9 "(3) that, in fact, has not been issued the clearance required by  
10 a federal statute designed to restrict or control the delivery of ves-  
11 sels, aircraft, goods, or services to belligerent foreign powers, or  
12 a regulation, rule, or order issued pursuant thereto.

13 "(b) GRADING.—An offense described in this section is a Class D  
14 felony.

15 **"§ 1205. Disclosing a Foreign Diplomatic Code or Correspondence**

16 "(a) OFFENSE.—A person is guilty of an offense if he communicates  
17 to any person:

18 "(1) a diplomatic code of a foreign government, or any in-  
19 formation or matter prepared in such a code; or

20 "(2) any information or matter intercepted while in the process  
21 of transmission between a foreign government and its diplomatic  
22 mission in the United States;

23 to which he obtained access as a federal public servant.

24 "(b) DEFINITIONS.—As used in this section:

25 "(1) 'information' has the meaning set forth in section 1128(e);  
26 and

27 "(2) 'intercept' has the meaning set forth in section 1525(d).

28 "(c) GRADING.—An offense described in this section is a Class E  
29 felony.

30 **"§ 1206. Engaging in an Unlawful International Transaction**

31 "(a) Offense.—A person is guilty of an offense if he violates:

32 "(1) section 5 of the United Nations Participation Act of 1945,  
33 as amended (22 U.S.C. 287c) (relating to economic and communi-  
34 cation sanctions called for by the United Nations Security Council  
35 and ordered by the President);

36 "(2) section 7 of the Neutrality Act of 1939, as amended (22  
37 U.S.C. 447) (relating to transactions involving securities or obli-  
38 gations of belligerent foreign powers);

39 "(3) section 414 of the Mutual Security Act of 1954, as  
40 amended (22 U.S.C. 1934) (relating to the regulation of the ex-

1 port and import of arms, ammunition, and war implements);  
 2 "(4) section 3(a) or 5(b) of the Trading with the Enemy Act,  
 3 as amended (50 U.S.C. App. 3(a) or 5(b)) (relating to trade  
 4 with an enemy or an ally of an enemy of the United States); or  
 5 "(5) section 6(b) of the Export Administration Act of 1969  
 6 (50 U.S.C. App. 2405(b)) (relating to the export of prohibited  
 7 goods and technological information to certain nations)  
 8 with intent to conceal any matter from a government agency author-  
 9 ized to administer such statute, or with knowledge that such conduct  
 10 obstructs, impairs, or perverts the administration of such statute or  
 11 of any federal government function.

12 "(b) GRADING.—An offense described in this section is a Class D  
 13 felony.

14 **"Subchapter B.—Offenses Involving Immigration, Naturalization,**  
 15 **and Passports**

"Sec.

"1211. Unlawfully Entering the United States as an Alien.

"1212. Smuggling an Alien into the United States.

"1213. Hindering Discovery of an Alien Unlawfully in the United States.

"1214. Fraudulently Acquiring or Improperly Using Evidence of Citizenship.

"1215. Fraudulently Acquiring or Improperly Using a Passport.

"1216. General Provisions for Subchapter B.

16 **"§ 1211. Unlawfully Entering the United States as an Alien**

17 "(a) OFFENSE.—A person is guilty of an offense if, being an alien,  
 18 he:

19 "(1) enters the United States at a time or place other than  
 20 a time or place designated for such entry under a federal statute,  
 21 or a regulation, rule, or order issued pursuant thereto;

22 "(2) eludes examination or inspection by an immigration  
 23 officer;

24 "(3) obtains entry into the United States by fraud; or

25 "(4) enters, or is present in, the United States after having  
 26 been deported from the United States under an order of exclusion  
 27 or deportation.

28 "(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prose-  
 29 cution under subsection (a) (4) that:

30 "(1) the Attorney General had expressly consented to the  
 31 alien's reapplying for admission to the United States, prior to his  
 32 reembarkation at a place outside the United States or prior to his  
 33 application for admission from foreign contiguous territory; or

34 "(2) the alien had previously been deported under an order of

1   **"§ 1311. Hindering Law Enforcement**2       **"(a) OFFENSE.—**A person is guilty of an offense if he :3           **"(1)** interferes with, hinders, delays, or prevents, the discovery,  
4       apprehension, prosecution, conviction, or punishment of another  
5       person, knowing that such other person has committed a crime,  
6       or is charged with or being sought for a crime, by :7           **"(A)** harboring the other person or concealing him or his  
8       identity ;9           **"(B)** providing the other person with a weapon, money,  
10       transportation, disguise, or other means of avoiding or mini-  
11       mizing the risk of discovery or apprehension ;12          **"(C)** warning the other person of impending discovery or  
13       apprehension ; or14          **"(D)** altering, destroying, mutilating, concealing, or re-  
15       moving a record, document, or other object ; or16          **"(2)** aids another person to secrete, disguise, or convert the  
17       proceeds of a crime or otherwise to profit from a crime.18       **"(b) AFFIRMATIVE DEFENSE.—**It is an affirmative defense to a prose-  
19       cution under subsection (a) (1) (C), and to a prosecution under any  
20       section incorporating by reference the provisions of subparagraph (C)  
21       of subsection (a) (1), that warning was made solely in an effort to  
22       bring the other person into compliance with the law.23       **"(c) DEFENSE PRECLUDED.—**It is not a defense to a prosecution under  
24       this section that the record, document, or other object would have been  
25       legally privileged or would have been inadmissible in evidence.26       **"(d) GRADING.—**An offense described in this section is :27          **"(1)** a Class D felony if the crime involved is a Class A, B, or  
28       C felony, and the actor knows the nature of the conduct constitut-  
29       ing such crime or is reckless with regard to the nature of such  
30       conduct ;31          **"(2)** a Class E felony if :32           **"(A)** the crime involved is a Class D felony, and the actor  
33       is reckless with regard to the nature of the conduct constitut-  
34       ing such crime ; or35           **"(B)** the defendant committed the offense as consideration  
36       for the receipt, or in expectation of the receipt, of anything  
37       of pecuniary value ;38          **"(3)** a Class A misdemeanor in any other case.

1 . “(e) JURISDICTION.—There is federal jurisdiction over an offense  
2 described in this section if the crime that the other person has com-  
3 mitted, is charged with, is being sought for, or is seeking to profit  
4 from, is a crime over which federal jurisdiction exists.

5 **“§ 1312. Bail Jumping**

6 “(a) OFFENSE.—A person is guilty of an offense if, after having been  
7 released pursuant to the provisions of subchapter A of chapter 35:

8 “(1) he fails to appear before a judge as required by the con-  
9 ditions of his release; or

10 “(2) he fails to surrender for service of sentence pursuant to  
11 court order.

12 “(b) GRADING.—An offense described in this section is:

13 “(1) a Class D felony if the person was released in connection  
14 with a charge of a felony, or while awaiting sentence or pending  
15 appeal or certiorari after conviction of any crime;

16 “(2) a Class A misdemeanor if the person was released in con-  
17 nection with a charge of a misdemeanor or for appearance as a  
18 material witness.

19 **“§ 1313. Escape**

20 “(a) OFFENSE.—A person is guilty of an offense if he:

21 “(1) escapes from official detention; or

22 “(2) fails to return to official detention following temporary  
23 leave, granted for a specified purpose or a limited period, pur-  
24 suant to the terms under which such leave was granted.

25 “(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prose-  
26 cution under this section that the bringing about or maintaining of the  
27 official detention was illegal, or that the committing or detaining au-  
28 thority lacked jurisdiction, if:

29 “(1) the offense did not involve escape from a prison or other  
30 facility used for official detention;

31 “(2) the offense did not involve a substantial risk of harm to the  
32 person or property of another; and

33 “(3) the official detention was not in good faith.

34 “(c) GRADING.—An offense described in this section is:

35 “(1) a Class D felony if the actor was in official detention:

36 “(A) on a charge of, or as a result of an arrest for, a felony;  
37 or

38 “(B) pursuant to his conviction of an offense other than an  
39 adjudication of juvenile delinquency;

40 “(2) a Class A misdemeanor in any other case.



1     “(d) JURISDICTION.—There is federal jurisdiction over an offense  
2 described in this section if:

3         “(1) the official detention resulted from an arrest made, or an  
4 order or process issued, under the laws of the United States;

5         “(2) the escape is from official detention by a federal public  
6 servant; or

7         “(3) the escape is from official detention in a federal facility.

8     **“§ 1314. Providing or Possessing Contraband in a Prison**

9     “(a) OFFENSE.—A person is guilty of an offense if, in violation of a  
10 statute, or a regulation, rule, or order issued pursuant thereto:

11         “(1) he provides to an inmate of an official detention facility,  
12 or introduces into an official detention facility:

13             “(A) a firearm or destructive device;

14             “(B) any other weapon or object that may be used as a  
15 weapon or as a means of facilitating escape, or a narcotic  
16 drug as defined in section 102 of the Controlled Substances  
17 Act (21 U.S.C. 812); or

18             “(C) a controlled substance, other than a narcotic drug,  
19 as defined in section 102 of the Controlled Substances Act  
20 (21 U.S.C. 812), an alcoholic beverage, or United States  
21 currency; or

22         “(2) being an inmate of an official detention facility, he makes,  
23 possesses, procures, or otherwise provides himself with

24             “(A) anything described in paragraph (1); or

25             “(B) any other object.

26     “(b) GRADING.—An offense described in this section is:

27         “(1) a Class C felony if the object is anything set forth in  
28 paragraph (1)(A);

29         “(2) a Class D felony if the object is anything set forth in  
30 paragraph (1)(B);

31         “(3) a Class A misdemeanor if the object is anything set forth  
32 in paragraph (1)(C);

33         “(4) a Class B misdemeanor if the object is any other object.

34     “(c) JURISDICTION.—There is federal jurisdiction over an offense  
35 described in this section if the official detention facility is a federal  
36 facility.

37     **“§ 1315. Flight to Avoid Prosecution or Appearance as a Witness**

38     “(a) OFFENSE.—A person is guilty of an offense if he leaves a state  
39 or local jurisdiction with intent to avoid:

1       “(1) criminal prosecution, or official detention after conviction,  
2       for an attempt to commit, a conspiracy to commit, or the commis-  
3       sion of a state or local felony in such jurisdiction;

4       “(2) appearing as a witness, giving testimony, or producing a  
5       record, document, or other object in an official proceeding in which  
6       a state or local felony in such jurisdiction is charged or being in-  
7       vestigated; or

8       “(3) contempt proceedings, or criminal prosecution, or official  
9       detention after conviction, for failure to appear as a witness, to  
10      give testimony, or to produce a record, document, or other object  
11      in an official proceeding in which a state or local felony in such  
12      jurisdiction is charged or being investigated.

13      “(b) DEFENSE PRECLUDED.—It is not a defense to a prosecution  
14      under this section that the testimony, or the record, document, or other  
15      object, would have been legally privileged or would have been inadmis-  
16      sible in evidence.

17      “(c) GRADING.—An offense described in this section is a Class E  
18      felony.

19      “(d) JURISDICTION.—There is federal jurisdiction over an offense  
20      described in this section if movement of the actor across a state or  
21      United States boundary occurs in the commission of the offense.

## 22                   **“Subchapter C.—Obstructions of Justice**

“Sec.

“1321. Witness bribery.

“1322. Corrupting a Witness or an Informant.

“1323. Tampering with a Witness or an Informant.

“1324. Retaliating against a Witness or an Informant.

“1325. Tampering with Physical Evidence.

“1326. Improperly Influencing a Juror.

“1327. Monitoring Jury Deliberations.

“1328. Demonstrating to Influence a Judicial Proceeding.

## 23                   **“§ 1321. Witness Bribery**

24      “(a) OFFENSE.—A person is guilty of an offense if he:

25          “(1) offers, gives, or agrees to give to another person; or

26          “(2) solicits, demands, accepts, or agrees to accept from another  
27      person

28      anything of value in return for an agreement or understanding that  
29      the testimony of the recipient will be influenced in an official pro-  
30      ceeding.

31      “(b) DEFENSES PRECLUDED.—It is not a defense to a prosecution  
32      under this section that:

33          “(1) an official proceeding was not pending or about to be  
34      instituted; or

1       “(2) the defendant, by the same conduct, also committed an  
2       offense described in section 1722 (Extortion), 1723 (Blackmail),  
3       or 1731 (Theft).

4       “(c) GRADING.—An offense described in this section is a Class C  
5       felony.

6       “(d) JURISDICTION.—There is federal jurisdiction over an offense  
7       described in this section if:

8       “(1) the official proceeding is or would be a federal official  
9       proceeding;

10       “(2) the United States mail or a facility of interstate or foreign  
11       commerce is used in the planning, promotion, management, execu-  
12       tion, consummation, or concealment of the offense, or in the dis-  
13       tribution of the proceeds of the offense; or

14       “(3) movement of a person across a state or United States  
15       boundary occurs in the planning, promotion, management, execu-  
16       tion, consummation, or concealment of the offense, or in the dis-  
17       tribution of the proceeds of the offense.

18       **“§ 1322. Corrupting a Witness or an Informant**

19       “(a) OFFENSE.—A person is guilty of an offense if he:

20       “(1) offers, gives, or agrees to give to another person, or solicits,  
21       demands, accepts, or agrees to accept from another person, any-  
22       thing of value for or because of any person's:

23       “(A) testimony in an official proceeding;

24       “(B) withholding testimony, or withholding a record,  
25       document, or other object, from an official proceeding;

26       “(C) engaging in conduct constituting an offense under  
27       section 1325 (Tampering with Physical Evidence);

28       “(D) evading legal process summoning him to appear as a  
29       witness, or to produce a record, document, or other object, in  
30       an official proceeding;

31       “(E) absenting himself from an official proceeding to  
32       which he has been summoned by legal process; or

33       “(2) offers, gives, or agrees to give anything of value to another  
34       person for or because of any person's hindering, delaying, or pre-  
35       venting the communication to a law enforcement officer of in-  
36       formation relating to an offense or a possible offense.

37       “(b) DEFENSE PRECLUDED.—It is not a defense to a prosecution  
38       under this section that:

39       “(1) an official proceeding was not pending or about to be  
40       instituted;

1       “(2) the testimony, or the record, document, or other object,  
2       would have been legally privileged or would have been inad-  
3       missible in evidence; or

4       “(3) the defendant, by the same conduct, also committed an of-  
5       fense described in section 1722 (Extortion), 1723 (Blackmail),  
6       or 1731 (Theft).

7       “(c) GRADING.—An offense described in this section is a Class E  
8       felony.

9       “(d) JURISDICTION.—There is federal jurisdiction over an offense  
10      described in this section if:

11      “(1) the official proceeding is or would be a federal official  
12      proceeding;

13      “(2) the law enforcement officer is a federal public servant  
14      and the information relates to a federal offense or a possible fed-  
15      eral offense;

16      “(3) the United States mail or a facility of interstate or for-  
17      eign commerce is used in the planning, promotion, management,  
18      execution, consummation, or concealment of the offense, or in  
19      the distribution of the proceeds of the offense; or

20      “(4) movement of a person across a state or United States  
21      boundary occurs in the planning, promotion, management, execu-  
22      tion, consummation, or concealment of the offense, or in the dis-  
23      tribution of the proceeds of the offense.

24      **“§ 1323. Tampering with a Witness or an Informant**

25      “(a) OFFENSE.—A person is guilty of an offense if he:

26      “(1) uses force, threat, intimidation, or deception with intent to:

27          “(A) influence the testimony of another person in an of-  
28          ficial proceeding; or

29          “(B) cause or induce another person to:

30              “(i) withhold testimony, or withhold a record, docu-  
31              ment, or other object, from an official proceeding;

32              “(ii) engage in conduct constituting an offense under  
33              section 1325 (Tampering with Physical Evidence);

34              “(iii) evade legal process summoning him to appear as  
35              a witness, or to produce a record, document, or other  
36              object, in an official proceeding; or

37              “(iv) absent himself from an official proceeding to  
38              which he has been summoned by legal process; or

39          “(C) hinder, delay, or prevent the communication to a law  
40          enforcement officer of information relating to an offense or a  
41          possible offense; or

1       “(2) does any other act with intent to influence improperly, or  
2       to obstruct, impair, or pervert, the:

3       “(A) administration of justice;

4       “(B) administration of a law under which an official pro-  
5       ceeding is being conducted; or

6       “(C) exercise of a legislative power of inquiry.

7       “(b) **AFFIRMATIVE DEFENSE.**—It is an affirmative defense to a prose-  
8       cution under subsection (a) (1) (A) that the conduct engaged in to  
9       threaten or to intimidate consisted solely of lawful conduct and that  
10      the defendant's sole intention was to compel or induce the other per-  
11      son to testify truthfully.

12      “(c) **DEFENSE PRECLUDED.**—It is not a defense to a prosecution under  
13      this section that:

14      “(1) an official proceeding was not pending or about to be insti-  
15      tuted; or

16      “(2) the testimony, or the record, document, or other object,  
17      would have been legally privileged or would have been inadmissi-  
18      ble in evidence.

19      “(d) **GRADING.**—An offense described in this section is a Class D  
20      felony.

21      “(e) **JURISDICTION.**—There is federal jurisdiction over an offense  
22      described in this section if:

23      “(1) the official proceeding is or would be a federal official  
24      proceeding;

25      “(2) the law enforcement officer is a federal public servant and  
26      the information relates to a federal offense or a possible federal  
27      offense;

28      “(3) the administration of justice, administration of a law, or  
29      exercise of a legislative power of inquiry relates to a federal  
30      government function;

31      “(4) the United States mail or a facility of interstate or foreign  
32      commerce is used in the planning, promotion, management, execu-  
33      tion, consummation, or concealment of the offense, or in the distri-  
34      bution of the proceeds of the offense; or

35      “(5) movement of a person across a state or United States  
36      boundary occurs in the planning, promotion, management, execu-  
37      tion, consummation, or concealment of the offense or in the distri-  
38      bution of the proceeds of the offense.

39      “§ 1324. **Retaliating against a Witness or an Informant**

40      “(a) **OFFENSE.**—A person is guilty of an offense if he:

1       “(1) engages in conduct that causes bodily injury to another  
2 person or damages the property of another person because of:

3       “(A) any testimony given, or any record, document, or other  
4 object produced, by a witness in an official proceeding; or

5       “(B) any information relating to an offense or a possible  
6 offense given by a person to a law enforcement officer; or

7       “(2) improperly subjects another person to economic loss or  
8 injury to his business or profession because of any matter de-  
9 scribed in subparagraph (A) or (B) of paragraph (1).

10      “(b) GRADING.—An offense described in this section is:

11       “(1) a Class E felony in the circumstances set forth in subsection  
12 (a) (1);

13       “(2) a Class A misdemeanor in the circumstances set forth in  
14 subsection (a) (2).

15      “(c) JURISDICTION.—There is federal jurisdiction over an offense  
16 described in this section if:

17       “(1) the official proceeding is a federal official proceeding;

18       “(2) the law enforcement officer is a federal public servant and  
19 the information relates to a federal offense or a possible federal  
20 offense;

21       “(3) the United States mail or a facility of interstate or foreign  
22 commerce is used in the planning, promotion, management, exe-  
23 cution, consummation, or concealment of the offense, or in the  
24 distribution of the proceeds of the offense; or

25       “(4) movement of a person across a state or United States  
26 boundary occurs in the planning, promotion, management, execu-  
27 tion, consummation, or concealment of the offense, or in the distri-  
28 bution of the proceeds of the offense.

29      **“§ 1325. Tampering with Physical Evidence**

30       “(a) OFFENSE.—A person is guilty of an offense if he alters, de-  
31 stroys, mutilates, conceals, or removes a record, document, or other  
32 object, with intent to impair its integrity or its availability for use in  
33 an official proceeding.

34       “(b) DEFENSE PRECLUDED.—It is not a defense to a prosecution un-  
35 der this section that:

36       “(1) an official proceeding was not pending or about to be  
37 instituted; or

38       “(2) the record, document, or other object would have been  
39 legally privileged or would have been inadmissible in evidence.

1     “(c) GRADING.—An offense described in this section is a Class E  
2     felony.

3     “(d) JURISDICTION.—There is federal jurisdiction over an offense  
4     described in this section if the official proceeding is or would be a fed-  
5     eral official proceeding.

6     **“§ 1326. Improperly Influencing a Juror**

7     “(a) OFFENSE.—A person is guilty of an offense if he communicates  
8     in any way with a juror, or a member of a juror's immediate family,  
9     with intent to influence improperly the official action of the juror.

10    “(b) GRADING.—An offense described in this section is a Class A  
11    misdemeanor.

12    “(c) JURISDICTION.—There is federal jurisdiction over an offense  
13    described in this section if the juror is a federal juror.

14    **“§ 1327. Monitoring Jury Deliberations**

15    “(a) OFFENSE.—A person is guilty of an offense if he intentionally:

16       “(1) records the proceedings of a grand or petit jury while the  
17       jury is deliberating or voting; or

18       “(2) listens to or observes the proceedings of a grand or petit  
19       jury, of which he is not a member, while the jury is deliberating  
20       or voting.

21    “(b) DEFENSE.—It is a defense to a prosecution under subsection  
22    (a) (1) that the actor was a juror of the jury that was deliberating or  
23    voting and that he was taking notes in connection with, and solely for  
24    the purpose of facilitating his performance of, his official duties.

25    “(c) GRADING.—An offense described in this section is a Class B  
26    misdemeanor.

27    “(d) JURISDICTION.—There is federal jurisdiction over an offense  
28    described in this section if the grand or petit jury is a federal jury.

29    **“§ 1328. Demonstrating to Influence a Judicial Proceeding**

30    “(a) OFFENSE.—A person is guilty of an offense if, with intent to  
31    influence another person in the discharge of his duties in a judicial  
32    proceeding, he pickets, parades, displays a sign, uses a sound amplify-  
33    ing device, or otherwise engages in a demonstration in, on the grounds  
34    of, or, after notice of potential violation of this section, within 200 feet  
35    of:

36       “(1) a building housing a court of the United States; or

37       “(2) a building occupied or used by such other person.

38    “(b) GRADING.—An offense described in this section is a Class B  
39    misdemeanor.

1     “(c) JURISDICTION.—There is federal jurisdiction over an offense  
2 described in this section if the judicial proceeding is a federal judicial  
3 proceeding.

4                     **“Subchapter D.—Contempt Offenses**

“Sec.

“1331. Criminal Contempt.

“1332. Failing to Appear as a Witness.

“1333. Refusing to Testify or to Produce Information.

“1334. Obstructing a Proceeding by Disorderly Conduct.

“1335. Disobeying a Judicial Order.

5     **“§ 1331. Criminal Contempt**

6     “(a) OFFENSE.—A person is guilty of an offense if he:

7         “(1) misbehaves in the presence of a court or so near to it as to  
8 obstruct the administration of justice;

9         “(2) disobeys or resists a writ, process, order, rule, decree, or  
10 command of a court;

11         “(3) as an officer of a court, misbehaves in an official trans-  
12 action.

13     “(b) POWER TO PROSECUTE.—A prosecution for an offense described  
14 in this section may be commenced by the court, the authority of which  
15 was the subject of the contempt, or by the Attorney General with the  
16 concurrence of the court.

17     “(c) SUCCESSIVE PROSECUTIONS.—A prosecution for an offense under  
18 this section is not a bar to a subsequent prosecution for an offense un-  
19 der another federal statute if the conduct charged as criminal con-  
20 tempt under this section also constitutes an offense under such other  
21 statute, or a regulation, rule, or order issued pursuant thereto. In a  
22 subsequent prosecution the defendant shall receive credit for any time  
23 spent in custody and any fine paid by him as a result of the prior  
24 criminal contempt proceeding.

25     “(d) GRADING.—An offense described in this section is a Class B  
26 misdemeanor. Notwithstanding the provisions of section 2201, the de-  
27 fendant may be sentenced to pay a fine in any amount deemed just  
28 by the court if the offense involves disobedience of or resistance to  
29 the court's temporary restraining order, preliminary injunction,  
30 or final order other than an order for the payment of money.

31     “(c) JURISDICTION.—There is federal jurisdiction over an offense de-  
32 scribed in this section if the court is a court of the United States.

33     **“§ 1332. Failing to Appear as a Witness**

34     “(a) OFFENSE.—A person is guilty of an offense if he fails to comply  
35 with an order:



1       “(1) to appear at a specified time and place as a witness in an  
2       official proceeding;

3       “(2) to remain at a specified place where he is to appear as a  
4       witness in an official proceeding; or

5       “(3) to be sworn or to make an equivalent affirmation as a wit-  
6       ness in an official proceeding.

7       “(b) BAR TO PROSECUTION.—It is a bar to a prosecution under this  
8       section that the official proceeding was conducted under the authority  
9       of Congress or of either House of Congress and that a certification  
10      pursuant to the provisions of section 104 of the Revised Statutes, as  
11      amended (2 U.S.C. 194), had not been issued.

12      “(c) GRADING.—An offense described in this section is a Class E  
13      felony.

14      “(d) JURISDICTION.—There is federal jurisdiction over an offense  
15      described in this section if the official proceeding is a federal official  
16      proceeding.

17      **“§ 1333. Refusing to Testify or to Produce Information**

18      “(a) OFFENSE.—A person is guilty of an offense if:

19          “(1) in an official proceeding that is conducted under the  
20          authority of Congress or of either House of Congress, he:

21              “(A) refuses to answer a question, after the presiding  
22              officer has directed him to answer and advised him that his  
23              refusal to do so might subject him to criminal prosecution; or

24              “(B) fails to comply with an order to produce a record,  
25              document, or other object;

26          and the question or order is in fact pertinent to the subject under  
27          inquiry; or

28          “(2) in any other official proceeding, he:

29              “(A) refuses to answer a question after a federal court or  
30              federal judge, or, in a proceeding that is conducted before a  
31              United States magistrate or referee in bankruptcy, the presid-  
32              ing officer, has directed him to answer and advised him that  
33              his refusal to do so might subject him to criminal prosecution;

34              or

35              “(B) fails to comply with an order to produce a record,  
36              document, or other object.

37      “(b) DEFINITIONS.—As used in this section:

38          “(1) ‘federal court’ includes a court martial, military commis-  
39          sion, court of inquiry, provost court, and any other military court  
40          of the United States;

1       “(2) ‘federal judge’ includes a military judge as defined in  
2       section 801(10) of title 10.

3       “(c) BAR TO PROSECUTION.—It is a bar to a prosecution under sub-  
4       section (a) (1) that a certification pursuant to the provisions of sec-  
5       tion 104 of the Revised Statutes, as amended (2 U.S.C. 194), had not  
6       been issued.

7       “(d) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prose-  
8       cution under this section that the defendant was legally privileged to  
9       refuse to answer the question or to produce the record, document, or  
10      other object.

11      “(e) PROOF.—Whether a matter is pertinent under subsection (a)  
12      (1) is a question of law.

13      “(f) GRADING.—An offense described in this section is a Class E  
14      felony.

15      “(g) JURISDICTION.—There is federal jurisdiction over an offense  
16      described in this section if the official proceeding is a federal official  
17      proceeding.

18      **“§ 1334. Obstructing a Proceeding by Disorderly Conduct**

19      “(a) OFFENSE.—A person is guilty of an offense if he obstructs, im-  
20      pairs, or perverts an official proceeding by means of noise, by means  
21      of violent or tumultuous behavior or disturbance, or by any other  
22      means.

23      “(b) GRADING.—An offense described in this section is a Class A  
24      misdemeanor.

25      “(c) JURISDICTION.—There is federal jurisdiction over an offense  
26      described in this section if the official proceeding is a federal official  
27      proceeding.

28      **“§ 1335. Disobeying a Judicial Order**

29      “(a) OFFENSE.—A person is guilty of an offense if he disobeys or  
30      resists a court’s temporary restraining order, preliminary injunction,  
31      or final order other than an order for the payment of money.

32      “(b) GRADING.—An offense described in this section is a Class E  
33      felony. Notwithstanding the provisions of section 2201, the defendant  
34      may be sentenced to pay a fine in any amount deemed just by the court.

35      “(c) JURISDICTION.—There is federal jurisdiction over an offense  
36      described in this section if the court is a court of the United States.

37      **“Subchapter E.—Perjury, False Statements, and Related Offenses**

“Sec.

“1341. Perjury.

“1342. False Swearing.

“1343. Making a False Statement.

“1344. Tampering With a Government Record.

“1345. General Provisions for Subchapter E.